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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Eulandas J Flowers,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.  
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No. CV-22-01206-PHX-JAT

**ORDER**

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus filed  
16 pursuant to 28 U.S.C. § 2254. On October 23, 2023, the Magistrate Judge to whom this  
17 case was assigned, issued a Report and Recommendation ("R&R") recommending that this  
18 Court deny all relief. (Doc. 21).

19 The first copy of the R&R sent to Petitioner was returned. On October 24, 2023,  
20 the Clerk's office resent the R&R to the new location. Over two months have passed and  
21 Petitioner has neither objected to the R&R nor updated his address.

22 This Court "may accept, reject, or modify, in whole or in part, the findings or  
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that  
24 the district judge must review the magistrate judge's findings and recommendations *de*  
25 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d  
26 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263  
27 F.Supp.2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that  
28 *de novo* review of factual and legal issues is required if objections are made, 'but not

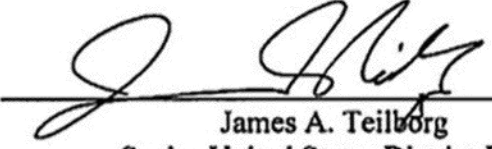
otherwise.”); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d 1027, 1032 (9th Cir. 2009) (the district court “must review de novo the portions of the [Magistrate Judge’s] recommendations to which the parties object.”). District courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C. § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.”).<sup>1</sup>

No objection having been filed,

**IT IS ORDERED** that the Report and Recommendation (Doc. 21) is accepted and adopted. Relief on the Petition is denied, with prejudice, and the Clerk of the Court shall enter judgment accordingly.

**IT IS FURTHER ORDERED** that a Certificate of Appealability is denied.

Dated this 4th day of January, 2024.



James A. Teilborg  
Senior United States District Judge

<sup>1</sup> The Court notes that the Notes of the Advisory Committee on Rules appear to suggest a clear error standard of review under Federal Rule of Civil Procedure 72(b). Fed. R. Civ. P. 72(b), Notes of Advisory Committee on Rules—1983 citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (The court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The court in *Campbell*, however, appears to delineate a standard of review specific to magistrate judge findings in the motion to suppress context. *See Campbell*, 501 F.2d at 206–207. Because this case is not within this limited context, this Court follows the Ninth Circuit’s *en banc* decision in *Reyna-Tapia* on the standard of review.